

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Scott Hodes, *et. al.*  
Serial No.: 10/803,565  
Filed: March 18, 2004  
Title: RESERVE CELL ARRAY NONOSTRUCTURED BATTTERY  
Grp./A.U.: 1795  
Examiner: John S. Maples Confirmation No.: 5953

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Thereby certify that this correspondence is being electronically filed  
with United States Patent and trademark Office on:  
January 30, 2009 (Date)

Elizabeth Schumacher  
(Printed or typed name of person signing the certificate)

/Elizabeth Schumacher/  
(Signature of the person signing the certificate)

Sir:

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT  
OF A PRIOR-FILED NON-PROVISIONAL APPLICATION**

The Applicants' attorney respectfully petitions the Commissioner of Patents and Trademarks to allow the Applicants to claim the benefit of a prior-filed non-provisional application under 35 U.S.C. 120. Applicants' failure to claim the benefit of a prior-filed non-provisional application under 35 U.S. C. 120 was unintentional. Moreover, the entire delay between the date the claim was due under paragraph (a)(2)(i) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

The following reference should have been, and thus should now be, included within the pending application:

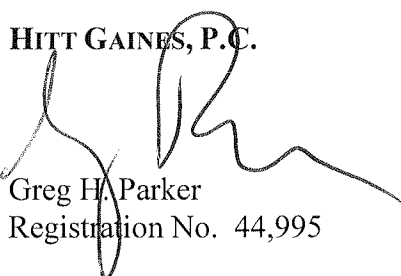
This Application is a continuation-in-part of U.S. Application Serial No. 10/716,084 filed on November 18, 2003, to Timofei Nikita Kroupenkin, et al., entitled "ELECTROWETTING BATTERY HAVING A NANOSTRUCTURED ELECTRODE SURFACE," commonly assigned with the present invention and incorporated herein by reference which issued as U.S. Patent Number 7,227,235 B2 on June 5, 2007.

The requisite fee of **\$1,410.00**, as established under 37 C.F.R. § 1.17(t) is to be charged to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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Dated: January 30, 2009

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